

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Philip Bachers, Planner I

SUBJECT: Quasi Judicial Hearing: Special Permit / SE 2-1-06 / Bank of America / 6300 Stirling Rd. / generally located east of Davie Rd. Extension on the south side of Stirling Rd.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: SE 2-1-06 / Bank of America

REPORT IN BRIEF:

The petitioner has requested a special permit in order install a temporary office trailer to serve customers of the Bank of America whose permanent site-built structure at the location sustained damage in the 2005 hurricane season, rendering it unusable. The permanent structure is undergoing evaluation for suitability of repair/renovation.

The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. Staff finds that the use of a temporary office building consistent with the previous use (a bank) existing on the property. The proposed modular location is well-separated from the right-of-way, exceeds the required setback, will be adequately landscaped, and will not have an adverse impact on the surrounding area.

PREVIOUS ACTIONS: None

CONCURRENCES: At the February 15, 2006 Town Council meeting, approval was granted for a temporary use permit allowing the placement of the temporary office in anticipation of the special permit being approved.

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Attachment(s): Staff Report, Justification Letter, Public Participation Report, Site Plan, Future Land Use Plan Map, and Zoning and Aerial Map

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner: Bank of America, represented by Michael Morabito of Trammell Crow Company
Address: 2850 N. Federal Hwy.
City: Ft. Lauderdale, FL 33064
Phone: (954) 786-3324

Petitioner:

Name: Raul Lozano, Architect
Address: 151 Sevilla Ave., Suite 200
City: Coral Gables, FL 33134
Phone: (305) 445-1509

Background Information

Date of Notification: March 10, 2006 **Number of Notifications:** 39

Application History: No deferrals have been requested.

Application Request: Special Permit in order to install a new temporary modular bank/ office building within the Bank of America property pursuant to Land Development Code §12-35 Special Uses, which allows unique and unanticipated uses to be reviewed as a Special Permit.

Address/Location: 6300 Stirling Rd. / Generally located east of SW 64th Avenue (Davie Rd. Extension) on the south side of Stirling Rd.

Future Land Use
Plan Map Designation: C, Commercial

Zoning: B-2, Community Business District

Existing/Proposed Use: Bank/Bank

Net Parcel Size: 5.72 acres (within the Town of Davie limits)
Folio #: 1102-00-004/0111/0112

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North:	Commercial Business (B-2)	Commercial
South:	Not in the Town of Davie (City of Hollywood)	Commercial
East:	Commercial Business (B-2)	Commercial
West:	Commercial Business (B-2)	Commercial

	<u>Surrounding Zoning:</u>
North:	Commercial Business (B-2)
South:	Not in the Town of Davie (City of Hollywood)
East:	Commercial Business (B-2)
West:	Commercial Business (B-2)

Zoning History

Previous Requests on same property: temporary use permit (modular unit), granted 2/15/06 by Town Council

Applicable Codes and Ordinances

§12-308 of the Land Development Code, review for special permits.

§12-35 of the Land Development Code, Special uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. A request for such use shall take the form of an application for special permit, processed in accordance with the regulations contained in Article X.

§12-83 of the Land Development Code, Conventional Nonresidential Development Standards, B-2, Community Business District requires the following minimums: lot area of 52,500 square feet, 200' frontage, 10' landscape buffers, 30 percent open space, and 35' maximum building height.

Comprehensive Plan Considerations

Planning Area: The subject property is within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road(the portion of the Town of Davie between the FL Turnpike and Davie Rd. Ext. and south of Stirling Rd. is included), east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

Broward County Land Use Plan: The proposed plat is in Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy Group 7: Commercial Use; Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Plan, Policy Group 7: Commercial Use; Policy 7-4: Commercial land use shall generally be located with access to primary transportation facilities including interstates, highways, and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan Map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates.

Application Details

The petitioner has requested a special permit in order install a temporary modular bank/office onto the site of a bank severely damaged by the 2005 hurricane season. It will function as a bank/office for the duration of the reconstruction of the existing bank.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. In accord with the Town of Davie Code, the petitioner conducted two (2) meetings with the public on Wednesday, March 15, 2006, and Wednesday, March 22, 2006, both at 10:30 AM. The first and second meetings were held at Town Hall Community Room. The applicant sent thirty-nine (39) mailings to the surrounding property owners. There was one (1) person in attendance at the first meeting and no members of the public at the second meeting. (The approved public participation report is attached.)

Staff Analysis

The temporary modular bank/office is proposed to be placed onto the bank's property. Vehicular access to the modular building is provided through existing parking lots on the property. The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. Staff finds that the use of a temporary modular bank/office building consistent with the commercial bank use existing on the property. The proposed location is well-removed from the right-of-way, exceeds the required setback, will be adequately landscaped, and will not have an adverse impact on the surrounding area. It will re-establish a banking center which has been unavailable for use since Hurricane Wilma rendered the permanent bank/office building uninhabitable.

Findings of Fact

Review for Special Permits:

Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed temporary modular bank/office building is the same use/function (as currently existed in permanent form) on the parcel prior to the 2005 hurricanes. This use is consistent with the intent of the Future Land Use Plan Map designation and is permitted on the property.

- (ii) The proposed change will not create an unrelated an incompatible use;

The proposed temporary modular bank/office building is the first step needed to re-establish banking capacities on the site and poses no incompatibilities with surrounding properties, as the use remains the same. Also, the modular bank/office building is temporary until the existing building is renovated.

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

The proposed modular bank/office building will have no adverse impacts on living conditions in the neighborhood or in the Town as the surrounding occupancies are commercial, not residential. The modular bank/office is set interior to the site, and is temporary.

- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

No increase in traffic will be generated by the use of this temporary modular bank/office building in comparison to the prior traffic for the permanent bank building on the site.

- (v) The proposed change will not adversely affect surrounding property values;

The proposed temporary modular bank/office building will have no impact on surrounding property values the as property surrounding the site is commercially-zoned, and the use is temporary.

- (vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed temporary modular /bank/office building would not deter any of the surrounding property owners from developing or improving their properties, as the surrounding properties will not be negatively impacted either visually or by additional traffic issues.

- (vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

This request is a use that may be permitted if it is determined by the Town Council to be compatible with the surrounding uses.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Exhibits

1. Justification Letter
2. Public Participation Report
3. Site Plan
4. Future Land Use Plan Map
5. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification Letter)

ARCHITECTURAL DESIGN COLLABORATIVE
ARCHITECTURAL – PLANNING INTERIOR DESIGN – SPACE PLANNING

February 9, 2006

Town of Davie, Florida
Planning and Zoning Division
Development Services Department
6591 Orange Drive
Davie, Florida 33314

Re. Bank of America – West Stirling

To Whom It May Concern:

As per your request, this letter shall serve to identify the reason for a temporary use permit application as per the Administrative Special Permit Application Checklist.

In response to damage caused by Hurricane Wilma, the existing Bank of America structure has been declared unsafe by the Town of Davie, & is currently closed to the general public. An interior demolition permit has been applied for & has been granted by the Town of Davie to Golden Sands Construction to remove all the interior walls & equipment which will allow for the detailed observations of the building structures & components. The existing building systems, structure & components will need to be inspected to provide an assessment of the damage & building costs to the bank for their review.

In an effort to serve the bank customers in the area, a permit for a temporary trailer is being requested by the owner, the Bank of America of the Town of Davie, while the review of the assessment of the work to the existing building is conducted.

We hope that this information proves useful and we thank you in advance for your consideration.

Sincerely,
ARCHITECTURAL DESIGN COLLABORATIVE, INC.



Raul Lozano
Principal

151 SEVILLA AVENUE – SUITE 200 – CORAL GABLES, FL 33134 – P: (305) 442-1188 – F: (305) 445-1509

Exhibit 2 (Public Participation Report)

ARCHITECTURAL DESIGN COLLABORATIVE

ARCHITECTURAL – PLANNING INTERIOR DESIGN – SPACE PLANNING

SUMMARY OF PUBLIC PARTICIPATION MEETINGS

March 27, 2006

Town of Davie
Development Service Department
Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314

Re: *Citizen Participation Plan for:*
BANK OF AMERICA PROPOSED TEMPORARY TRAILER
6300 STIRLING ROAD
DAVIE, FL 33314
Application No. **SE 2-1-06**

Dear Staff:

Please be advised that as required by the Town of Davie, Land Development Code, Chapter 12, Division 7, we, ADC, on behalf of Bank of America, advertised and notified all the property owners surrounding the subject property within 1,000 feet, & invited them to two (2) Public Participation Meetings, located at 6300 Stirling Rd. The first meeting was held on March 15, 2006 at 10:30am & the second was held on March 22, 2006 at 10:30am.

The following is a summary of the key issues brought up by Town of Davie property owners.

- *Owner on east side of Bank of America parcel requested cross-access easement for egress in and out of his existing business.*

The item above is the only item that was brought forward at the first public participation meeting. ADC has forwarded this request to the Bank of America legal department for further consideration & also to the developers currently looking at this site for future development consideration. There were no parties present at the second public participation meeting.

On behalf of Bank of America & Trammell Crow Company, believe that the above information has fulfilled the requirements of the Town of Davie, Public Participation Ordinance concerning the above referenced application.

Do not hesitate to contact us if you have any questions or concerns regarding the above items.

Sincerely,
Architectural Design Collaborative, Inc.



Raul Lozano, Principal

Public Participation Report Mailing List

NAME_LINE_	NAME_LINE1	ADDRESS_LI	ADDRESS_1
SUNSHINE STATE BUILDERS INC		6310 SW 56 ST	DAVIE FL 33314
CLAY,BRIAN STEVEN & HASSETT,KENNETH P & NELLIE	GRIFFIN,SHANNON ANDREA	1507 NW 113 WAY	PEMBROKE PINES FL 33026
KHAN,MOONEER & CLAUSS,ROBERT & CINDY	MOHAMED-KHAN,ZALEEMA	5870 SW 37 AVE 3801 EASTLAKE ESTATES DR	DANIA FL 33312 DAVIE FL 33328
MAURICE,MARLENE COBBLESTONE OAKS HOMEOWNERS		5800 SW 110 AVE	FT LAUDERDALE FL 33328-6308
TOMSA,TEODOR & ILEANA		2881 SW 84 AVE	DAVIE FL 33314
VRENNNA,SHAWN & SUNSHINE STATE BUILDERS INC	FERRIERA,ENRIQUE	6001 ORANGE DR	DAVIE FL 33314-3609
SCHEMENAUER,M J & LAUREEN V		6100 SW 58 CT	FT LAUDERDAL FL 33314
MOORE,ROBERT A 1/2 INT EA		6200 SW 58 CT	DAVIE FL 33314
COBBLESTONE OAKS HOMEOWNERS	MALKI,REEM	6030 SW 58 CT	DAVIE FL 33314-7315
CLAUSS,ROBERT & CINDY		6001 SW 45 ST	DAVIE FL 33314-3609
INLAND SOUTHEAST PROMENADE LLC		5800 SW 110 AVE	FT LAUDERDALE FL 33328-6308
CUNEGIN,LINDA		2901 BUTTERFIELD ROAD	OAK BROOK IL 60523
PALED CONSTRUCTION & DEVELOPMENT		6100 SW 58 PL	DAVIE FL 33314-7218
FOREMAN,PETER R		6120 SW 58 PL	DAVIE FL 33314
STIRLING LAND CO		713 NE 17 ROAD	FT LAUDERDALE FL 33304
GATOR CARRIAGE PARTNERS LTD	% GATOR INVESTMENTS	2903 RIGSBY LANE	SAFETY HARBOR FL 34695
NOLAND,DALE R & DEYANN		1595 NE 163 ST	N MIAMI BEACH FL 33162-4717
JARA,EDUARDO		5901 SW 61 AVE	DAVIE FL 33314-7209
BRADDY,JONATHAN G & GARDENS AT STIRLING INC	BRADDY,ROBERT M	6125 SW 59 CT	FT LAUDERDALE FL 33314-7202
BERNDT,DAVID L CONSTRUCTNEL CORP		13350 LURAY ROAD	SOUTHWEST RANCHES FL 33330
MARLYS VENTURE INC	% MARLY M VOLLGER	PO BOX 291645	DAVIE FL 33329-1645
VICTORIA PLAZA LLC		5930 SW 64TH AVE	DAVIE FL 33314-7116
ARK RESTAURANT INC		1925 BRICKELL AVE STE D-506	MIAMI FL 33129
J K K INC		1530 THUMB POINT DR	FT PIERCE FL 34949-3567
AMER MINING OPS SYNDICATE INC &	ELITE ENTERPRISES INC	6125 STIRLING ROAD	DAVIE FL 33314
FOREMAN,PETER STERLING SERVICE STATION LLC		6255 STIRLING RD	DAVIE FL 33314-7221
MP/LINCOLN PARK DAVIE INC	% MILESTONE PROPERTIES INC	6255 STIRLING RD	DAVIE FL 33314-7221
FIRST NATL BANK OF HWD TR		7420 SW 39 ST	DAVIE FL 33314
SOCH OF CARRIAGE HILLS INC		713 NE 17 RD	FT LAUDERDALE FL 33304
		9701 NW 89 AVE	MEDLEY FL 33178
		200 CONGRESS PARK DR STE 103	DELRAY BEACH FL 33445
		100 CARRIAGE DR	HOLLYWOOD FL 33024-1155
		4700 HIATUS RD STE 153	SUNRISE FL 33351-7904

LETO,JOHN A SR REV TR		3100 STIRLING ROAD	HOLLYWOOD FL 33021
ALL THREE LTD	% DAVID MARGOLIS	141 NW 20 ST SUITE G-122	BOCA RATON FL 33431-7947
AL-JUMAA INC		PO BOX 2011	HOLLYWOOD FL 33022
CHONGS FINANCIAL & INVEST GRP	% MCDONALD'S REST/MR.CIMINO	4295 N DAVIE ROAD EXT	HOLLYWOOD FL 33024-1633
CHONGS FINANCIAL & INVEST GRP		9120 NW 38TH ST	HOLLYWOOD FL 33024-8108
STIRLING APARTMENTS II LTD		1666 KENNEDY CAUSEWAY #505	NORTH BAY VILLAGE FL 33141
BANK OF AMERICA	% DELOITTE & TOUCHE LLP	200 E LAS OLAS BLVD #1400	FT LAUDERDALE FL 33301
CHONG,RAY H DAVIE CW PROPERTIES INC		9120 NW 38TH ST 22290 KETTLE CREEK WAY	HOLLYWOOD FL 33024-8108 BOCA RATON FL 33428
FLA POWER & LIGHT CO	ATTN W H BONHAM-JLM	PO BOX 14000	JUNO BEACH FL 33408-0420
# 64 EAST PARTNERSHIP		3880 SHERIDAN ST	HOLLYWOOD FL 33021-3634
BMS PARTNERS LLC		16400 NW 2 AVE STE 203	MIAMI FL 33169
RIZZO,THERESA F FAM TR		6051 N OCEAN DR APT 305	HOLLYWOOD FL 33019
FLA POWER & LIGHT CO	ATTN W H BONHAM-JLM	PO BOX 14000	JUNO BEACH FL 33408-0420

Exhibit 3 (Site Plan)

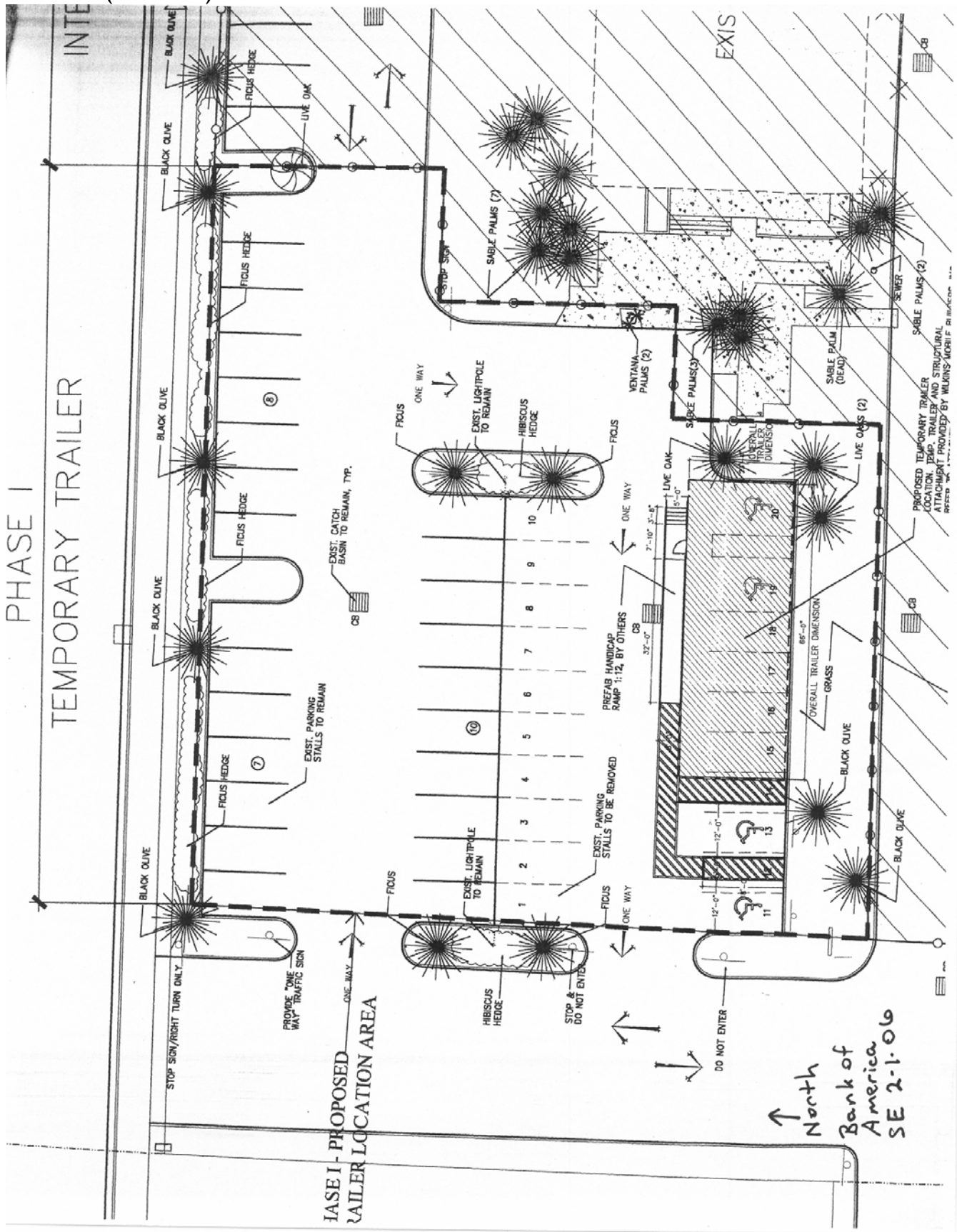
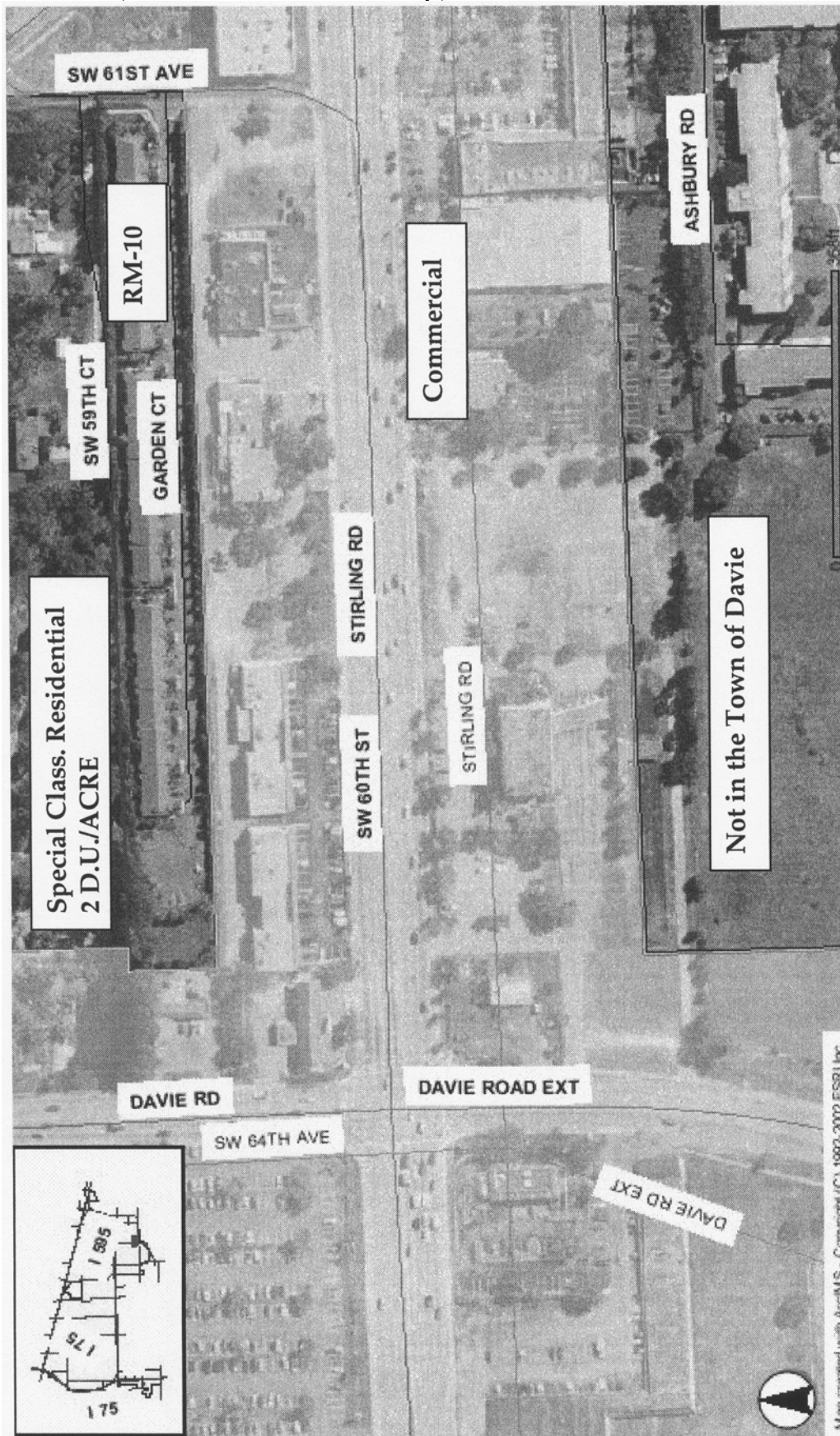
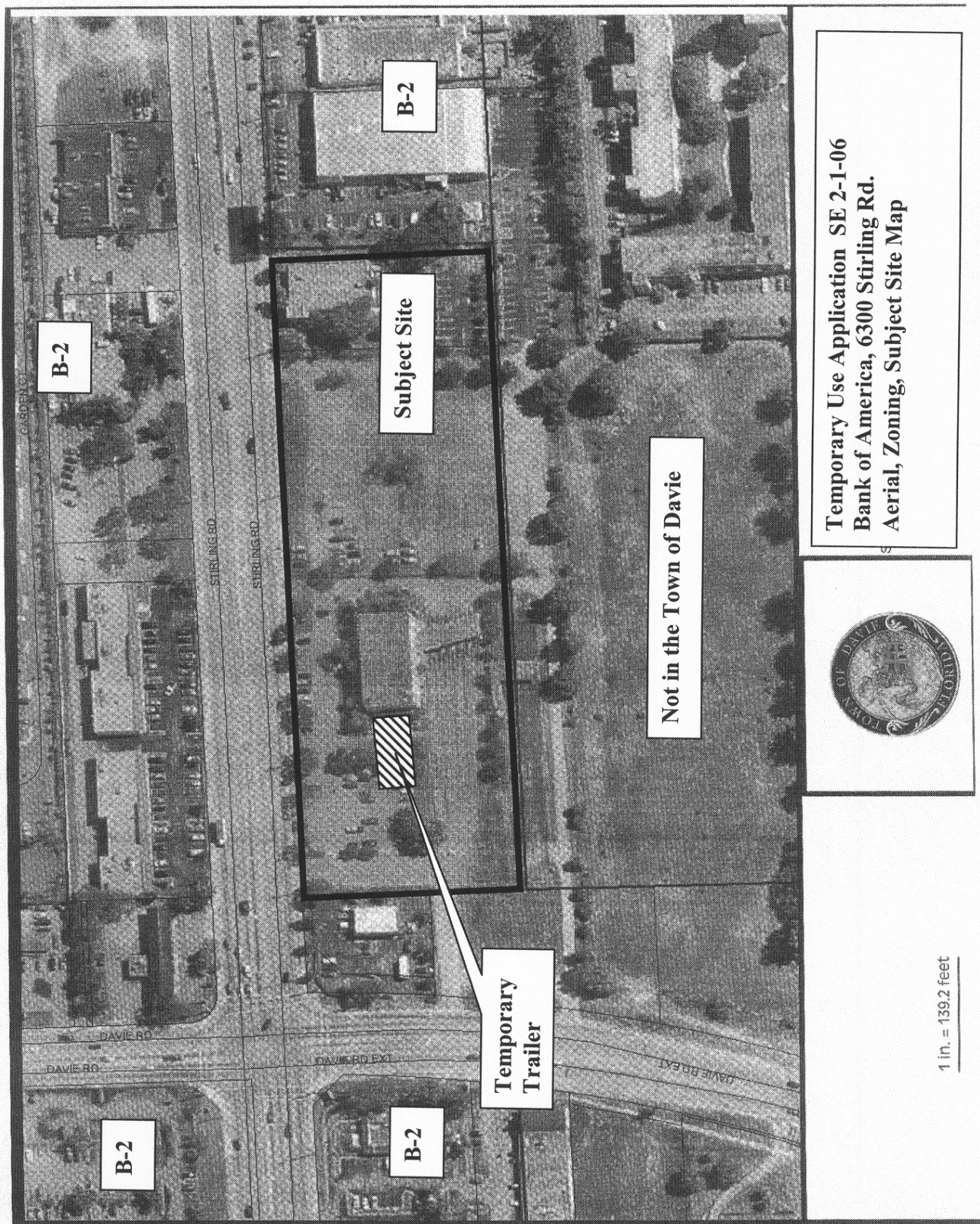


Exhibit 4 (Future Land Use Plan Map)



Special Use Application SE 2-1-06, Bank of America, 6300 Stirling Rd.,
Future Land Use Map

Exhibit 5 (Aerial, Zoning, and Subject Map)



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